IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8054 OF 2005

Smt.Indubai V.Kanchan & Ors. .. Petitioners

Vs.

1. Shri Pradeep K.Hagawani & Ors...Respondents

Mr.Avinash B.Avhad for the petitioners

Mr.G.S.Godbole for the respondent no.1

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. The present writ petition is filed challenging the order dt.12.8.05 by which the application to amend the say to Ex. 5 being interim application has been refused. By the amendment, defendant wanted to substitute the word 'there is shade' by the words 'their exists sheds'.

2. The learned counsel for respondents has contended that the application should not be granted because it changes the cause of action. There is no substance in the aforesaid contention. In that light of the matter, the order dt.12.8.05

is quashed and set aside and the application at Ex.90 is granted. Amendment to be carried out within 2 weeks. Matter at Ex.5 to be heard and disposed of by the trial court expeditiously It goes without saying that trial court must decide the matter on its own merits and without being influenced by orders passed in this court. Petition is made absolute accordingly. There shall be no order as to costs.